REMARKS

Claims 1-107 were pending in this application. Claims 1-50, 52, 60, 71-81, 83, 87, 89 and 91-106 have been cancelled herein without prejudice. Claims 51, 53, 56, 58, 63, 64, 69, 82, 84-86, 88, and 90 have been amended. New claims 108 and 109 have been added. New claims 108-109 have been added. Thus, claims 51, 53-59, 61-70, 82, 84-86, 88, 90, 107 and 108-109 are currently pending.

Claim 51 has been amended to recite a Markush group for the GRP receptor targeting peptide. Support for this amendment can be found throughout the specification and, for example, in the original claims as filed, and Tables 3, 4, and 4A.

Claim 53 has been amended to add compounds, as shown in the above amendment, to the Markush group for the non-alpha amino acid with a cyclic group. Support for this amendment can be found throughout the specification and, for example, in the original claims as filed, and Tables 3, 4, and 4A.

Claim 56 has been amended to depend from claim 55 instead of claim 51.

Claim 58 has been amended to depend from claim 57 instead of claim 51.

Claim 63 has been amended to remove reference to certain compounds, as shown in the above amendment.

Claim 64 has been amended to depend from claims 51 or 53 instead of claims 51-53.

Claim 69 has been amended to recite that the patient is "in need of radiotherapy." Support for this amendment can be found throughout the specification and, for example, in the original claims as filed, and Tables 3, 4, and 4A.

Claim 82 has been amended to recite a Markush group for the GRP receptor targeting peptide. Support for this amendment can be found throughout the specification and, for example, in the original claims as filed, and Tables 3, 4, and 4A.

Claim 84 has been amended to depend from claim 51 instead of claims 1, 20 or 51.

Claim 85 has been amended to remove reference to certain compounds, as shown in the above amendment.

Claim 86 has been amended to depend from claim 69 instead of claims 16, 17, 39, 44, 49 or 69.

Claim 88 has been amended to depend from any one of claims 51 or 82 and to remove reference, in the claim itself, to the formula M-N-O-P-G.

Claim 90 has been amended to depend from claim 88 instead of claim 89.

New claim 108 and 109 have been added which recite compounds for M. Support for these new claims can be found throughout the specification and, for example, in the original claims as filed, and Tables 3, 4, and 4A.

Applicants further note that new claims 108 and 109 are drawn to the elected invention because they are drawn to compounds having the formula MNOPG wherein an alpha amino acid or non-alpha amino acid with a cyclic group is present.

Restriction and Election Requirement

The Examiner has required restriction of claims 1-107 under 35 U.S.C. § 121. More specifically, the Examiner has required restriction to one of the following groups, as described below:

Group I	Claims 1-10, 15, 46, 48, 50, 72, 76, 78, 79, 82, 83, 87, and 100, drawn to compounds (and methods of making the compounds thereof) of general formula MNOPG wherein an alpha or non-alpha amino acid (without a cyclic group) is present, classified in class 424, subclass 1:69.
Group II	Claims 1, 8, 11-14, and 47, drawn to a method of imaging using the compounds of formula MNOPG wherein an alpha or non-alpha amino acid is present, classified in class 424, subclass 9.1.
Group III	Claims 4, 7-9, 16, 17, 46, 49, 51, 86, and 100, drawn to a method of treating a subject using a radiotherapeutic agent of formula MNOPG wherein an alpha or non-alpha amino acid (with a cyclic group) is present, classified in class 514, subclass 14.
Group IV	Claims 4, 7-9, 18-33, 38, 40, 41, 71, 73-75, 77, 80, 81, 87, and 100, drawn to compounds (and methods of making the compounds) having the general formula MNOPG wherein a substituted bile acid is present, classified in class 424, subclass 1.45.
Group V	Claims 20, 32-37, and 42, drawn to a method of imaging the compounds encompassed by the formula MNOPG wherein a substituted bile acid is present, classified in class 424, subclass 1.45.
Group VI	Claims 20, 39, 41, 44, and 86, drawn to a method of treating a patient with a radiotherapeutic agent encompassed within claim 17 wherein a substituted bile acid is present, classified in class 514, subclass 2.
Group VII	Claims 51-64 and 68, drawn to compounds (and methods of making the compounds) having the formula MNOPG wherein an alpha amino acid or non-alpha amino acid with a cyclic group, classified in class 424, subclass 1.69.

Group VIII	Claims 51, 63, and 65-67, drawn to a method of imaging using compounds encompassed by MNOPG wherein an alpha amino acid or non-alpha amino acid with a cyclic group is present, classified in class 424, subclass 9.1.
Group IX	Claims 51, 69, 70, and 86, drawn to a method of treating a subject by administering a radiotherapeutic agent encompassed by MNOPG wherein an alpha amino acid or non-alpha amino acid with a cyclic group is present, classified in class 514, subclass 2.
Group X	Claims 1, 84, and 85, drawn to a method of phototherapy comprising a compound of formula MNOPG wherein an alpha amino or non-alpha amino acid without a cyclic group is present, classified in class 514, subclass 2.
Group XI	Claims 20 and 84, drawn to a method of phototherapy comprising a compound of formula MNOPG wherein an alpha amino or non-alpha amino acid with a bile acid is present, classified in class 514, subclass 2.
Group XII	Claims 51 and 84, drawn to a method of phototherapy comprising a compound of formula MNOPG wherein an alpha amino or non-alpha amino acid with a cyclic group, classified in class 514, subclass 2.
Group XIII	Claims 88, 90, and 93, drawn to a method of targeting the gastrin releasing peptide receptor and neuromedin-B receptor using compounds of formula MNOPG wherein an alpha amino or non-alpha amino acid without a cyclic group is present, classified in class 424, subclass 1.11.
Group XIV	Claims 88, 89, and 93, drawn to a method of targeting the gastrin releasing peptide receptor and neuromedin-B receptor using compounds of formula MNOPG wherein an alpha amino or non-alpha amino acid with a cyclic group is present, classified in class 424, subclass 1.11.

Group XV	Claims 91-93, drawn to a method of targeting gastrin releasing peptide receptor and neuromedin-B receptor using compounds of formula MNOPG wherein a non-alpha amino acid without a cyclic group, classified in class 424, subclass 1.11.
Group XVI	Claims 1, 78, 82, 94, 95, 99, and 106, drawn to a method of improving in vivo activity of a compound of formula MNOPG wherein an alpha or non-alpha amino acid without a cyclic group is present, classified in class 424, subclass 1.11.
Group XVII	Claims 51, 94, 95, and 99, drawn to a method of improving in vivo activity of a compound of formula MNOPG wherein an alpha or non-alpha amino acid with a cyclic group is present, classified in class 424, subclass 1.11.
Group XVIII	Claims 20, 80, 94, 95, 99, a, drawn to a method of improving in vivo activity of a compound of formula MNOPG wherein a bile acid is present, classified in class 424, subclass 1.11.
Group XIX	Claims 1, 78, 82, and 96-99, drawn to a method of reducing proteolytic cleavage of a gastrin releasing peptide wherein an alpha or non-alpha amino acid without a cyclic group is present, classified in class 424, subclass 1.11.
Group XX	Claims 20 and 96-99, drawn to a method of reducing proteolytic cleavage of a gastrin releasing peptide wherein an alpha or non-alpha amino acid with a cyclic group is present, classified in class 424, subclass 1.11.
Group XXI	Claims 51, 80, and 96-99, drawn to a method of reducing proteolytic cleavage of gastrin releasing peptide wherein a bile acid is present, classified in class 424, subclass 1.11.

Group XXII	Claim 101, drawn to a method of conferring specificity wherein a non-alpha amino acid without a cyclic group is present, classified in class 424, subclass 1.11.
Group XXIII	Claim 103, drawn to a method of conferring specificity wherein a non-alpha amino acid with a cyclic group is present, classified in class 424, subclass 1.11.
Group XXIV	Claim 102, drawn to a method of conferring specificity wherein a bile acid is present, classified in class 424, subclass 1.11.
Group XXV	Claim 104, drawn to a method of improving stability of a compound wherein a non-alpha amino acid without a cyclic group is present, classified in class 424, subclass 1.11.
Group XXVI	Claim 107, drawn to a compound as set forth in independent claim 107, classified in class 424, subclass 1.11.

The Examiner has also required the election of a species for further examination - namely "a specific sequence identification number, a chelator, optical label, radionuclide, linking group, etc."

Elections

Applicants hereby elect, with traverse, the claims of Group VII. Applicants further elect, with traverse, the species in which M is the chelator DO3A, the linker N-O-P comprises 4-aminobenzoic acid and the targeting peptide G is QWAVGHLM-OH (SEQ ID No: 1). Furthermore, Applicants identify claims 51, 53, 54, 63, 65, 66, 68, 69, 70, 82, 85, 86, 88, 90 and 107 as encompassing the elected species.

Restriction Requirement

Applicants traverse the restriction requirement because a search for the claimed compounds themselves would necessarily uncover art relating to the methods of use.

Applicants note that Group VII should also include claims 72, 74, 76, 82, 83 and 85, of which claims 82 and 85 remain pending (72, 74, 76 and 83 having been canceled) because these claims are "drawn to compounds (or methods of making the compounds) having the formula MNOPG wherein an alpha amino acid or non-alpha amino acid with a cyclic group" is present.

Applicants instead suggest that the claims be restricted based on the class of linker, as was done in the parent case (U.S. Patent Application Serial No. 10/341,577).

Furthermore, applicants reserve the right to request rejoinder of dependent claims 65-70, 84, 88 and 90, which recite methods of use of the compounds corresponding to the those claims in Group VII, or those claims which should have been included in Group VII.

Species Election

Applicants traverse the requirement to elect a species because searching the species together would not be unduly burdensome. Searching the species encompassed within the currently pending claims would not present an undue burden on the office. For example, applicants note that searching the targeting peptides which bind the GRP receptor would not be an undue burden on the Examiner because a search for targeting peptides which bind the GRP receptor would necessarily uncover the sequences of any targeting peptides.

No fee is believed to be necessary in connection with the filing of this Amendment and Response to Restriction Requirement. However, if any additional fee is necessary, applicant hereby authorizes such fee to be charged to Deposit Account No. 50-0540.

Respectfully submitted,

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